

Message

From: Whitney Singleton [WSingleton@sdslawny.com]
Sent: 10/18/2018 7:58:22 PM
To: Gaughan, Daniel [Gaughan.Daniel@epa.gov]
CC: Edward Brancati (ebrancati@mountkiskonny.gov) [ebrancati@mountkiskonny.gov]
Subject: RE: 105 Kisco Avenue Mt. Kisco New York

Dan:

Your comments certainly make sense. The Village will require the applicant to define the scope of the demolition, including whether the foundation is going to be disturbed, and instruct that there is not going to be any soil disturbance. Additionally, I will suggest that Building Inspector require copies of the application (and its scope) be circulated to the EPA, DEC and DEP, and sit on the issuance of the permit until such agencies have had a chance to respond. We generally have a 30 day turnaround on permit applications.

Thanks

Whitney

From: Gaughan, Daniel [mailto:Gaughan.Daniel@epa.gov]
Sent: Thursday, October 18, 2018 3:52 PM
To: Whitney Singleton
Cc: Edward Brancati (ebrancati@mountkiskonny.gov)
Subject: RE: 105 Kisco Avenue Mt. Kisco New York

Whitney,

Sorry for the delay. One of my attorneys just got back from Buffalo and the other is on jury duty.

EPA has no objections to the property owners demolishing the buildings at the site. As long as no soil is disturbed or removed. I would suspect that this would mean that the foundation would remain in place. The facility is not under an order or on any registry with EPA precluding it from demolishing the buildings.

From your email, I am not sure if all buildings are to be demolished or not. If they are, I don't know if the former railroad station building would be considered historic or not and whether or not that would impact the demolition.

Please let me know if you have any further questions.

Regards,

Dan Gaughan

From: Whitney Singleton [mailto:WSingleton@sdslawny.com]
Sent: Thursday, October 18, 2018 12:00 PM
To: Gaughan, Daniel <Gaughan.Daniel@epa.gov>
Cc: Edward Brancati (ebrancati@mountkiskonny.gov) <ebrancati@mountkiskonny.gov>
Subject: RE: 105 Kisco Avenue Mt. Kisco New York

Dan:

Have you heard back yet from counsel? The owner has called my office a couple of times since the email.

Thanks

Whitney

From: Gaughan, Daniel [<mailto:Gaughan.Daniel@epa.gov>]
Sent: Tuesday, October 16, 2018 11:02 AM
To: Whitney Singleton
Cc: Edward Brancati (ebrancati@mountkisco.ny.gov)
Subject: RE: 105 Kisco Avenue Mt. Kisco New York

Whitney,

I read through your email below and have a call in to my attorney to discuss a few things. Once I hear back from him, I will give you a call.

Thanks,

Dan Gaughan

From: Whitney Singleton [<mailto:WSingleton@sdslawny.com>]
Sent: Monday, October 15, 2018 5:35 PM
To: Gaughan, Daniel <Gaughan.Daniel@epa.gov>
Cc: Edward Brancati (ebrancati@mountkisco.ny.gov) <ebrancati@mountkisco.ny.gov>
Subject: 105 Kisco Avenue Mt. Kisco New York

Dan:

Can you give me a call at your earliest convenience. The property owner of 105 Kisco Avenue is seeking a demolition permit for the building(s) at 105 Kisco Avenue. I do not know whether the property is on any registry list with NYSDEC precluding disturbance or whether there is any outstanding prohibition on site disturbance from the EPA. It seems peculiar that the owner is suing multiple private and public entities over radiation contamination, yet simultaneously seeks to disturb the site without any remediation plan.

I want to make sure that the Village timely processes the application and responds in the appropriate fashion. I suspect that the Village will ultimately require that disclosure notices of their intent to disturb the site be sent to NYSDEC and the EPA, and whether any responses or clearance has been received from either such agency.

Thanks

Whitney

Whitney Singleton, Esq.
Singleton, Davis & Singleton
120 Main Street
Mt. Kisco, New York 10549

P: (914) 666-4400
F: (914) 666-6442
e-mail: wsingleton@sdslawny.com